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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Bjorn Nolte

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EXAMINER

ALTSCHUL, AMBER L

ART UNIT

PAPER NUMBER

3626

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/669,104	Applicant(s) NOLTE, BJORN	
	Examiner AMBER L. ALTSCHUL	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed on June 5, 2008.

Claim 8 has been cancelled and claims 1-7 and 9-12 remain pending.

Claim Rejections - 35 USC § 112

2. The rejection of claims under 35 U.S.C. 112, second paragraph, is hereby withdrawn due to the amendment filed June 5, 2008.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Number 5,513,101, Pinsky, et al., hereinafter Pinsky.

5. (Original) As per claim 1, Pinsky teaches a medical system architecture comprising:

at least one imaging modality that acquires medical examination images, (column 1, lines 44-67);

a computer workstation associated with said at least one imaging modality,
(column 1, lines 44-67);

a data transfer device for transferring data and messages and said medical
examination images between at least one client and at least one server, (column 1,
lines 44-67);

a storage device connected to said data transfer device for storing at least
said medical examination images, (column 1, lines 44-67);

at least one further computer workstation connected to said data transfer
device for post-processing said data and said examination images, (column 1, lines 44-
67); and

a proxy server in communication with said data transfer device for converting
said messages between said at least one client and said at least one server according
to predetermined transformation rules, (column 1, lines 44-67).

6. (Original) As per claim 2, Pinsky teaches the system of claim 1 as described
above. Pinsky further teaches wherein said data transfer device exchanges said data,
examination images and messages according to the DICOM standard, (column 2, lines
1-24 and column 8, lines 32-50).

7. (Original) Regarding claim 3, Pinsky teaches the system of claim 1 as described
above. Pinsky further teaches comprising a rules memory, accessible by said proxy
server, wherein said transformation rules are stored, (column 4, lines 8-29).

8. (Original) Regarding claim 4, Pinsky teaches the system of claim 1 as described above. Pinsky further teaches wherein said proxy server comprises a software product separate from said data transfer device, (column 4, lines 1-7).

9. (Original) Regarding claim 5, Pinsky teaches the system of claim 1 as described above. Pinsky further teaches wherein said proxy server operates at a same system node as said data transfer device, (column 5, lines 42-50).

10. (Original) Regarding claim 6, Pinsky teaches the system of claim 1 as described above. Pinsky further wherein said proxy server operates on a network node, (column 3, lines 19-44).

11. (Currently Amended) Regarding claim 7, Pinsky teaches a method for exchanging messages between nodes of a network, comprising the steps of:

formulating messages at a first location which are to be transmitted to another location via a network that includes a proxy server, each of said messages having a content, (column 5, lines 51-59, column 6, lines 38-67, column 10, lines 5-9 and 46-52, and column 11, lines 24-30); and

exchanging said messages between a client and a server connected to said network, (column 5, lines 51-59 and column 7, lines 1-6); and

in said proxy server manipulating the respective contents of said messages during transmission of said messages in said network using a computerized conversion routine employing predetermined transformation rules, (column 5, lines 51-59, column 6, lines 38-67, column 10, lines 5-9 and 46-52, and column 11, lines 24-30).

12. (Original) Regarding claim 9, Pinsky teaches the method of claim 7 as described above. Pinsky further teaches comprising formulating said messages according to the DICOM standard, (column 5, lines 51-59 and column 7, lines 1-6, and column 8, lines 32-50).

13. (Original) Regarding claim 10, Pinsky teaches the method of claim 7 as described above. Pinsky further teaches comprising selectively reconfiguring said predetermined transformation rules as needed, (column 6, lines 38-67).

14. (Original) Regarding claim 11, Pinsky teaches the system of claim 7 as described above. Pinsky further teaches comprising storing said predetermined transformation rules in a rules memory, and executing said conversion routine to manipulate the respective contents of the messages in a proxy server having access to said rules memory, (column 1, lines 44-67, and column 8, lines 32-50).

15. (Original) Regarding claim 12, Pinsky teaches the system of claim 7 as described above. Pinsky further teaches wherein said network comprises a plurality of DICOM nodes, and wherein the step of manipulating the respective contents of said messages comprises manipulating the respective contents of said messages in a manner transparent to said DICOM nodes, (and column 8, lines 32-50 and column 10, lines 46-52).

Response to Arguments

16. In the remarks filed June 5, 2008, Applicant argues in substance that (A) Pinsky, et al. fails to disclose a proxy server for converting messages between at least

one client and at least one server according to predetermined transformation rules, (B) that Pinsky, et al. therefore does not teach dependent claims 2-6 since they set forth different aspects related to the same general concept as claim 1, (C) that Pinsky, et al., does not teach independent claim 7 which is comparable to independent claim 1 and therefore does not teach depending claims 9-12 since they depend from claim 7, and (D) that Pinsky, et al. does not make use of the DICOM standard.

(A) At pages 7-8 of the June 5, 2008 response, Applicant argues that Pinsky does not teach a proxy server for converting messages between at least one client and at least one server according to predetermined transformation rules.

In response, the Examiner respectfully disagrees. It is readily apparent that Pinsky a proxy server for converting messages between at least one client and at least one server according to predetermined transformation rules, (column 1, lines 44-67, column 3, lines 19-44, column 5, lines 51-59, column 6, lines 38-67, column 7, lines 57-63, column 8, lines 3-12, column 10, lines 5-9 and 46-52, and column 11, lines 24-30). Thus, the Examiner respectfully contends that Pinsky's system of using a server, WAN/LAN and image acquiring hospitals coupled to a regional radiology hub is an art recognized equivalent to a proxy server for converting messages between at least one client and at least one server according to predetermined transformation rules.

(B) At page 8 of the June 5, 2008 response, Applicant argues that Pinsky, et al. therefore does not teach dependent claims 2-6 since they set forth different aspects related to the same general concept as claim 1.

In response, the Examiner respectfully disagrees. Claims 2-6 are dependent from Applicant's independent claim 1. As such, Applicant's remarks with regard to the application of Pinsky to these claims is moot in the above Office Action.

(C) At page 8 of the June 5, 2008 response, Applicant argues that Pinsky does not teach independent claim 7 which is comparable to independent claim 1 and therefore does not teach depending claims 9-12 since they depend from claim 7.

In response, the Examiner respectfully disagrees. Claims 9-12 are dependent from Applicant's independent claim 7. As such, Applicant's remarks with regard to the application of Pinsky to these claims is moot in the above Office Action.

(D) At pages 8-9 of the June 5, 2008 response, Applicant argues that Pinsky, et al. does not make use of the DICOM standard.

In response, the Examiner respectfully disagrees. It is readily apparent that Pinsky teaches making use of the DICOM standard, (column 8, lines 32-50). Thus, the Examiner respectfully contends that Pinsky's system of using the DICOM standard is an art recognized equivalent to applicant's use of the DICOM standard.

As such, Applicant's remarks with regard to the application of Pinsky are moot in the above Office Action.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches Application framework of objects for the provision of DICOM services (US 5668998 A), Method for validating a

digital imaging communication standard message (US 5671353 A), Method for negotiating software compatibility (US 5835735 A), Remote health care information input apparatus (US 5865745 A), User interface for echocardiographic report generation (US 5911133 A), Remote access medical image exchange system and methods of operation therefor (US 6006191 A).

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is (571) 270-1362. The examiner can normally be reached on M-Th 7:30-5, F 7:30-4, every other Friday off.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gerald J. O'Connor can be reached at (571) 272-6787. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-8219.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/A. L. A./

Examiner, Art Unit 3626

September 14, 2008

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3626